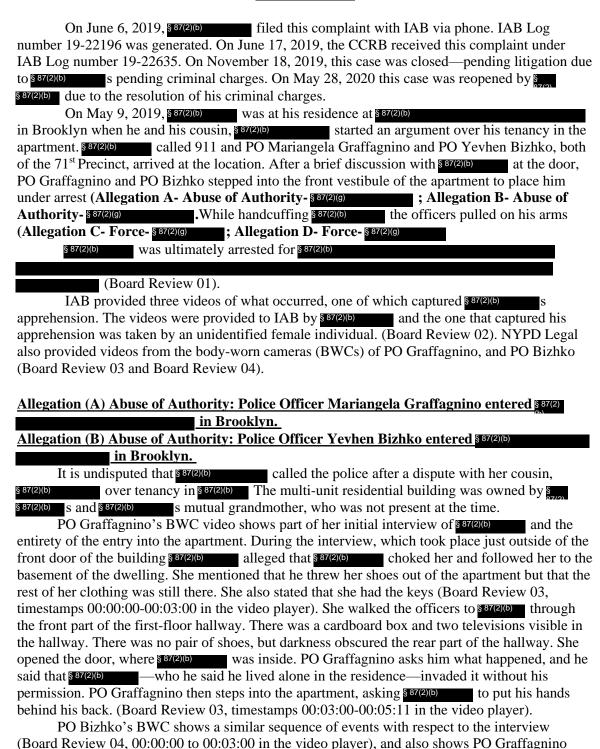
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ Force	☐ Discourt.	☐ U.S.	
Miriam Lynch		Squad #11	201905233	☑ Abuse	O.L.	✓ Injury	
Incident Date(s)		Location of Incident:	l	Precinct:	18 Mo. SOL	EO SOL	
Thursday, 05/09/2019		Inside § 87(2)(b)		71	11/9/2020	6/26/2021	
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	e Received at CCI	RB	
Thu, 06/06/2019 3:00 PM		IAB	Phone	Mon, 06/1	Mon, 06/17/2019 10:52 AM		
Complainant/Victim	Type	Home Addre	ess				
Witness(es)	Home Address						
Subject Officer(s)	Shield	TaxID	Command				
1. POF Mariangela Graffagnino	08863	960613	071 PCT				
2. POM Yevhen Bizhko	01350	964394	071 PCT				
Officer(s)	Allegation	on		Inv	estigator Recon	nmendation	
A.POF Mariangela Graffagnino	Abuse: Police Officer Mariangela Graffagnino entered (5) 87(2) in Brooklyn.						
B.POM Yevhen Bizhko	Abuse: Police Officer Yevhen Bizhko entered [5] 87(2) in Brooklyn.						
C.POF Mariangela Graffagnino	Force: Police Officer Mariangela Graffagnino used physical force against § 87(2)(b)						
D.POM Yevhen Bizhko	Force: Police Officer Yevhen Bizhko used physical force against [\$ 87(2)(b)						

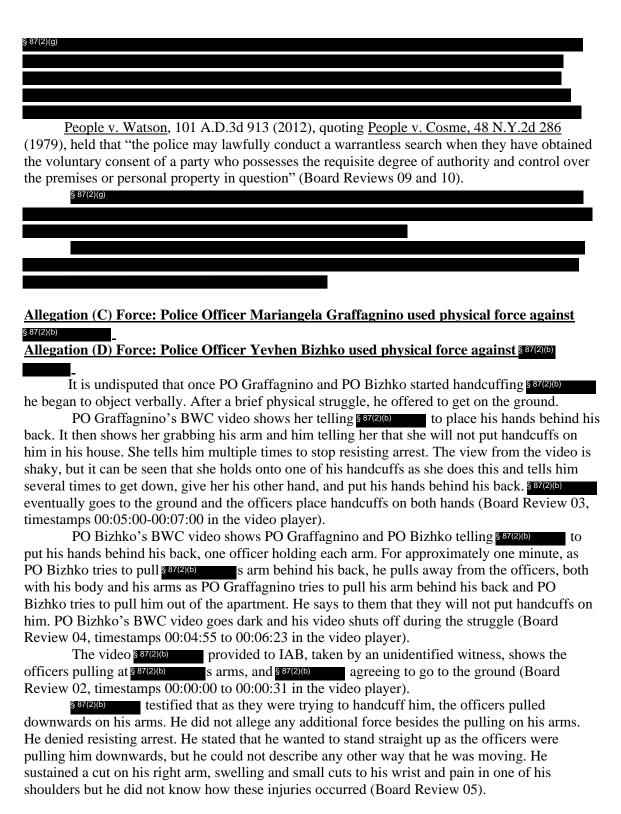
Case Summary



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pushing the door further open (Board Review 04, timestamp 00:03:40 in the video player) and standing just outside of the entry at the beginning of her conversation with §87(2)(b) stepping inside once she tells him to put his hands behind his back to be arrested (Board Review 04, timestamps 00:04:30-00:05:00 in the video player). during a phone interview stated that \$87(2)(b) walked into the apartment while her father was doing maintenance work. She did not live there—§87(2)(b) lives alone but she frequently tried to come in without his permission. She did not have keys to the apartment. He denied that anyone fought or argued before the police arrived at the apartment (Board Review 05). He first realized that police were present when the door to his apartment swung open and PO Graffagnino appeared standing over the threshold with PO Bizhko holding the door open behind her. She asked if he was \$87(2)(b) He confirmed that he was. \$87(2)(b) told her to leave unless she had a warrant. Within 40 seconds, she told \$87(2)(6) to lie on the ground so that she could handcuff him. §87(2)(b) said that he would be happy to be handcuffed in the hallway, but that he could not be handcuffed inside of his apartment (Board Review 05). said over the phone that §87(2)(b) pushed and choked her during an argument over the apartment, and that she called police. When they arrived, she told them that she lived at the apartment and that he had pushed and choked her. At the time, she had keys to the apartment. She took the officers to the apartment and let them in so that they could talk to him. During a follow-up phone call, she said that she told the officers that she lived in the apartment and that he did not (Board Review 06, Board Review 15). told PO Graffagnino that § 87(2)(b) pushed, punched, and choked her while having a fight with her about her entering the apartment. § 87(2)(b) said that she lived in the building, but she did not recall her specifying a unit, nor did she make any further inquiry into her residence of and access to the apartment. She did not do so because she did not believe that this information was relevant to the arrest. She did not remember \$87(2)(b) telling her that \$27(2)(b) did not live in the apartment. When she asked where \$87(2)(b) was, \$87(2)(b) was, \$87(2)(b) pushed open the door, which appeared to be unlocked, with her hands. PO Graffagnino did not realize whether \$87(2)(b) had the keys to the residence (Board Review 07). When \$87(2)(b) opened the door, \$87(2)(b) answered, and confirmed his identity. When PO Graffagnino asked him to speak to her outside of the apartment, he said that he would instead remain inside. PO Graffagnino then stepped into the apartment to pull him out and arrest him just inside of the door to the apartment (Board Review 07). PO Bizhko provided a statement consistent with PO Graffagnino's except for the following statements: When \$87(2)(b) pushed the unlocked door open. PO Bizhko believed that she had access to the apartment. PO Graffagnino spoke to \$87(2)(b) who was just behind the door. During this conversation, PO Graffagnino was in the middle of the threshold. She told to put his hands behind his back, and to come out of the apartment. [8] 87(2)(b) "You cannot put handcuffs on me in my own apartment and I am not leaving because I have friends over" (Board Review 08).

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did not see the struggle between \$87(2)(b) and the officers. (Board Review
PO Graffagnino testified that [887(2)(b)] pulled his arms and tensed up his body, and she pulled one of his arms behind his back in response. She did not remember pulling downwards on his arms. She recalled a scratch on his arms but did not know how he sustained it (Board Review 07).
PO Bizhko also testified that \$87(2)(b) was making his body tense and waving his arms around after PO Graffagnino put one handcuff on him. \$87(2)(b) was trying to pull himself into the living room of the residence, which would not have been advantageous tactically for the officers, so PO Bizhko pulled downwards on one of \$87(2)(b) shadouffs to pull him away from the living room (Board Review 08).
Patrol Guide Procedure 221-01 requires that officers use reasonable force necessary to place a subject into custody. Factors used to assess reasonableness include the severity of the crime and circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to those present, whether the subject is actively evading custody, whether the subject is trying to evade arrest by flight, number of subjects in relation to the officer, size against any known violent history, or
size, age, and condition of the officers in comparison to the subject, any known violent history, or any substance affecting pain tolerance (Board Review 11). \$87(2)(9)
Civilian and Officer CCDR Histories

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving §87(2)(b) (Board Review 12).
- PO Graffagnino has been a member of service for four years. Two prior CCRB complaints have been filed against her. Neither has been substantiated.
 - 0
- PO Bizhko has been a member of service for two years. This is the first CCRB complaint filed against him.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to the arrest involved.
- On October 1, 2020, a request for a notice of claim was submitted to the New York City Office of the Comptroller. The results will be added to the file upon receipt (Board

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Review [§ 87(2)(b)] [s	§§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad No.:	11		
Investigator:	Miriam Lynch	SI Miriam Lynch	11/09/2020_
investigator	Signature	Print Title & Name	Date
Squad Leader: _	Edwin Pena Signature	IM Edwin Pena Print Title & Name	11/10/20
Reviewer:			
	Signature	Print Title & Name	Date

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